

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10372 of 2005

Dated:08.08.2007

Between

Tatikonda Padmavathi

.....Petitioner

and

1.The Government of AP
rep., by its Secretary, Panchayat
Raj Department, Secretariat
Hyderabad and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10372 of 2005

ORDER:

This writ petition has been filed seeking to declare the action of the respondents in not granting approval for the layout plan submitted by the petitioner in respect of land in Sy.No.504/4 of Kodad Village and Mandal, Nalgonda District though he is the owner and possessor of the said land, as arbitrary and illegal and consequently to direct the respondents to record the deemed approval of the layout plan applied by the petitioner on 15.6.2004 in respect of the said land.

It appears that the petitioner is the owner and possessor of land to an extent of Ac.1.03 guntas in S.No.504/4 of Kodad Village, Nalgonda District and

with an intention to make the same as housing plots, she got prepared a layout and sought for approval of the same on 15.6.2004, but no action has been taken so far. Hence, she filed the present writ petition.

On 26.09.2005 in WPMP No.13415 of 2005, this Court directed the respondents to consider the application of the petitioner and pass appropriate orders within two weeks from the date of receipt of a copy of the order.

When no orders were passed in spite of the directions issued by this Court, it appears, the petitioner sent a contempt notice to the respondents on 25.10.2005. Subsequently, the plan submitted by the petitioner was taken up and a notice was issued to the counsel appearing on behalf of the petitioner stating that the Gram Panchayat has no objection for approval of the plan if the petitioner submits the revised plan to Gram Panchayat duly ear-marking 10% of the land for purpose of public

use in terms of AP Gram Panchayat Land Development (Layout and Buildings) Rules, 2002 (for short 'the Rules'). Therefore, until and unless the petitioner submits the revised plan as per the Rules, the Gram Panchayat will not be able to take further action as per the direction of the Court.

In view of the same, the petitioner re-submitted her lay out as per the requirements of the Gram Panchayat through letter dated 21.12.2005. Thereafter, the Gram Panchayat Secretary addressed a letter dated 24.1.2006 to the Regional Deputy Director, Town & Country Planning, Malakpet, Hyderabad along with the layout for approval.

According to the petitioner, even though the Gram Panchayat has sent the revised layout for approval by the Regional Deputy Director, Town & Country Planning, Malakpet, Hyderabad, till date nothing moved in this matter. Therefore, the petitioner states that as the approval is not granted

within 90 days from the date of application, it must be deemed to have been sanctioned in accordance with Rule 6 of the Rules.

Be that as it may, since the proposals sent by the Gram Panchayat on 24.1.2006 are pending with the Regional Deputy Director, Town & Country Planning, Malakpet, Hyderabad, he is directed to dispose of the same, if not already disposed of, within a period of four weeks from the date of receipt of a copy of this order. Since the Regional Deputy Director, Town & Country Planning, Malakpet, Hyderabad, is not made a party to this writ petition, a copy of this order shall be sent to him for taking necessary action.

Writ petition is disposed of accordingly. No costs.

08-08-2007

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